

# THE DAILY CHIEFTAIN.

VOL. I, NO 19.

VINITA, IND. TER., MONDAY EVENING, OCTOBER 24, 1898.

PRICE 10c A WEEK

## JUDGE THOMAS' COURT.

### CALL OF THE DOCKET.

D. C. Parker, liquor; plea not guilty; continued.

John Kirk, et al, liquor; bond forfeited.

Isaac Nolan, murder; trial jury discharged; cause continued.

Lyman Wills, larceny; nolle.

Abe Leggins, murder; transferred to Muskogee. Set Dec. 12, 1898.

Milton Ford, alias "Chicken," murder; transferred to Muskogee. Set for trial Dec. 12, '98.

Felix Leggins, murder; transferred to Muskogee. Set for trial Dec. 12, '98.

Joseph Baugh, larceny; plea not guilty. Set for Oct. 29.

Isaac Jones, murder; served with a copy of list of witnesses and jurors.

Bond of Isaac Nolan, murder, fixed at \$500.

Dennis H. Wilson was appointed administrator for the Eliza Splitlog estate, vice O. V. Perry, deceased, and the bond required is \$1,000.

### A Sunday Murder Verdict.

The lawyers and most of the court attaches stayed up until one o'clock Sunday morning, waiting for the jury in the Nolan murder case. Then, it being reported that they stood nine to three and had for some time, most everybody went to bed. Sunday morning at eleven o'clock an agreement was reported. The jury and the accused were brought into the court room, and Judge Thomas was al-

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ready there. Mr. Davenport, of counsel for the defense, took occasion during a delay in the proceedings to cheer up his client by assuring him that a conviction of murder was hardly within the range of possibilities. A verdict of manslaughter, however, might have been found, but he thought not. Search was made for Clerk Anderson, the presence of such an officer being necessary in receiving a verdict. As Mr. Anderson was hard to find some one went after Court Stenographer Dickey, the act of congress making the holder of that position ex-officio deputy clerk of every district in the Indian Territory. Mr. Anderson came in before Mr. Dickey. Court at once convened with brief formality, the half dozen lawyers and a score of spectators arising as Judge Thomas entered the court room from his private chamber in the rear, where he had been closeted with Judge Springer, and who accompanied him to the bench. The roll of the jury was then called, a bailiff counting one, two, three, etc., as each name was pronounced, to be assured that the panel was full—that all twelve men were present. In answer to the judge's question as to whether a verdict had been reached the foreman signified that such was case and handed the document, (two or more of which had been previously prepared—in blank—by the court) to the clerk. That official was directed to read the verdict. A great many eyes were turned to the prisoner, but if he had any concern in the matter, his features never disclosed it. The clerk read the verdict without difficulty until he came to the fateful words and then hesitated and scrutinized the document more carefully. "We, the jury, find the defendant guilty of involuntary manslaughter," it read. Without waiting for a word from either attorney the judge stated that such a verdict could not be received; that there was no such crime defined in the statute; that they must find a verdict of guilty, guilty with mercy, guilty of manslaughter, or for acquittal. The penalty for manslaughter—not exceeding ten years imprisonment and a thousand dollars fine—was read to the jury and they were again sent to their room to resume their deliberations.

The feeling of depression which generally pervades the court room when a murder verdict is being received was wanting. No one seemed to feel that a human being's life was in peril, even though Nolan had taken a fellow creature's life under circumstances which warranted the grand jury in finding an indictment and the district attorney in making a stubborn fight for conviction. A bailiff remained with the prisoner in the court room after the jury retired the second time, but no one thought of his trying to escape. The strain was over. The jail guards reported that Nolan slept little if any during the night, but he could sleep now. His family was absent from the room at the time, but was not long kept in ignorance of the favorable turn events had taken.

As favorable however, as they appeared, and contrary to the expectation of most every one, the jury continued their deliberations until this morning at 10:30 o'clock

when, having reported that there was no probability of reaching a verdict, they were discharged and the case continued to next term of court. Doubtless Nolan's attorneys will make application in a day or two for the granting of bond to the accused and if the court deems such a course judicious he will name the sum. It is low enough Nolan may succeed in making the same and will be at liberty until the next term of court.

It is reported that three men on the jury felt that Nolan deserved some punishment and "involuntary manslaughter" was agreed upon to satisfy them. Involuntary manslaughter could hardly be a crime, because it is the element of intent which makes the act of an individual a crime. Criminal negligence is, of course, an exception could but not apply to anything which partook of the nature of a homicide.

Nolan's crime consisted in killing a neighbor near Sapulpa in the presence of the sons of both. At the time of the killing they were engaged in a fight. The defense was justification. The government sought to establish that the defendant provoked the difficulty on the occasion of the killing. Nolan has been in jail most of this year and would have been tried in February had not the waters been up so his witnesses could not get here. He is a man, rather small of stature and sadly lacking in intelligence. His wife is a Creek Indian woman and he has lived near Sapulpa for ten years.

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